

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-2921 (JMF)

**NOTICE OF FILING OF DEFENDANTS' OBJECTIONS TO PLAINTIFFS'
SUPPLEMENTAL EXHIBITS**

Attached please find Defendants' Objections to Plaintiffs' Supplemental Exhibits.

Dated: November 4, 2018

Respectfully submitted,

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Counsel for Defendants

DEFENDANTS' OBJECTIONS TO PLAINTIFFS' SUPPLEMENTAL EXHIBIT LIST

Exhibit #	Description	Objections	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-542	Email between David Langdon, Earl Comstock, Ellen Herbst, subject: Counting of Illegal Immigrants (5/24/17) [AR 0012465]	403 ¹		
PX-543	Email between David Langdon, Earl Comstock, Ellen Herbst, subject: RE Counting of Illegal Immigrants (5/24/17) [COM_DIS00020862]	*		
PX-544	Email between David Langdon and Sahra Park-Su; subject: FWD: Alert: Commerce Secretary Suggested Citizenship Question to Justice Dept., According to Memo, Contradicting His Congressional (6/22/18) [COM_DIS00015108]	401, 403, 602		
PX-545	Email between David Langdon, Peter Davidson, James Uthmeier, Aaron Willard, Sahra Park-Su, subject: Re: Questions Re: draft census memo (1/30/18) [AR 0001976]	403		
PX-546	Email between John Abowd, Burton Reist, Enrique Lamas, copying Victoria Velkoff, Albert Fontenot; subject: Re: I need the answers in a response to Earl before 10:30 (1/31/18) [AR 0005212]	403		
PX-547	Email between Sahra Park-Su and Jacque Mason, Mike Platt, Brian Lenihan, Israel Hernandez, copying Aaron Willard, Karen Kelley, Cameron Dorsey; subject: RE: Follow-up to today's Meeting (9/1/17) [AR 0001378]	403		
PX-548	House Oversight and Government Reform Hearing QFRs to Secretary Wilbur Ross Hearing Date October 12, 2017 [COM_DIS00014166]	*		
PX-549	Email between Earl Comstock to Wilbur Ross, Wendy Teramoto, copying Karen Kelley; subject: FW: Answers to Secretary Ross's Questions (10/29/17) [AR 0002446]	403		
PX-550	Email between Sahra Park-Su, Peter Davidson, copying Catherine Keller, James Uthmeier, Karen Kelley, Israel Hernandez, Earl Comstock, Brian Lenihan, Aaron Willard, Ron Jarmin, Enrique Lamas; subject: Re: Question from Secretary [AR 0003691]	403		
PX-551	Email between David Langdon and Sahra Park-Su; subject: FWD: Alert: Commerce Secretary Suggested Citizenship Question to Justice Dept., According to Memo, Contradicting His Congressional (6/22/18) [COM_DIS00013892]	*		

¹ Defendants reiterate that this challenge to a final agency action is properly reviewed, if at all, on the basis of the administrative record. In response to the Court's July 3, 2018 Order, Defendants collected and produced a broader set of materials than would normally be considered appropriate for an administrative record.

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Exhibit #	Description	Objections	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-552	Questions on the Jan 19 Draft Census Memo on the DOJ Citizenship Question Reinstatement Request [AR 0001616]	403		
PX-553	Email between Jacque Mason, Alan Lang, copying Mike Platt, Brian Lenihan, Aaron Willard, Barry Robinson, James Uthmeier, Catherine Keller, Sahra Park-Su, subject: Here are the presentations from the PMR - please get ones missing and the contract one to Ellen (1/31/18) [AR 0001964]	403		
PX-554	Email between Sahra Park-Su, Christa Jones, copying Ron Jarmin, Enrique Lamas, Karen Kelley, Michael Walsh, Brian Lenihan, subject: Draft Response to Question (2/24/18) [AR 0013023]	403		
PX-555	Email between Sahra Park-Su, [redacted], copying Ron Jarmin, Enrique Lamas, Christa Jones, Michael Walsh, Brian Lenihan; subject re: Draft Response to Question (2.24.18) [AR 0003403]	403		
PX-556	Email between Ron Jarmin, Christ Jones, Enrique Lamas, Karen Kelley, Sahra Park-Su; subject: option D (2/23/18) [AR 0002935]	403		
PX-557	Calendar Invitation between Chelsey Neuhaus, Joseph Semsar, Karen Kelley, ExecSecBriefingBook, Michael Walsh, James Uthmeier, Mike Platt, Sahra Park-Su; subject: Stakeholder Calls (3/23/18) [AR 0001638]	403		
PX-558	Certification of Complete Administrative Record (6/8/18)	403		
PX-559	Email between Sahra Park-Su and Michael Walsh, subject: Narrative (5/15/18) [COM_DIS00014052]	401		
PX-560	Letter from Wilbur Ross, Sec. of Commerce, to Catherine E Lhamon, Chair, U.S. Comm'b on Civil Rights (7.5.18)	401		
PX-561	2020 Census Detailed Operational Plan for: 18. Nonresponse Followup Operation (NRFU) Issued April 16, 2018 Version: V1.0 Final	*		
PX-562	March 16, 2017 OIG Report (OIG-17-020-I)	602/802		
PX-563	December 2010 GAO Report (GAO-11-193)	602/802		
PX-564	Administrative Records Modeling Update for the Census Scientific Advisory Committee Spring 2017	602/802/901		

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PX-565	Emails between Earl Comstock, David Langdon, and Ellen Herbst Re: Counting of Illegal Immigrants [COM_DIS00016563 revised]	*		
PX-566	Short Calendar Entry for Meeting with Mark Meadows	602/802/901		
PX-567	Full Calendar Entry for Meeting with Rep. Mark Meadows [COMM-17-0501-B-001329 - 001330]	602/802/901		
PX-568	Briefing Memorandum for Secretary Ross from Mike Platt for 3.23.18 Decennial Census Stakeholder Call (3/22/18) [AR 0012466]	403		
PX-569	Email between Michael Walsh, Wendy Teramoto, James Rockas, Karen Kelley, Earl Comstock, subject Re: Updated with his further edits below - For your approval (3/16/18) [AR 0012467]	403		
PX-570	Email between Christa Jones, Earl Comstock, Karen Kelley, subject: Re: Seeking Comment - citizenship question (2/18/18) [AR 0012470]	403		
PX-571	Email between Earl Comstock, David Langdon, James Uthmeier, Aaron Willard, Sahra Park-Su, Peter Davidson, subject: Re: questions re: draft census memo (1/30/18) [AR 0012477]	403		
PX-572	Draft Memo from Abowd to Ross RE: Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census (1/19/18) [AR 0012480]	403		
PX-573	Email between Karen Kelle, Earl Comstock, Enrique Lamas, Ron Jarmin, Aaron Willard, James Uthmeier, Peter Davidson, subject: Re: Questions on the January 19 Alternatives Memo (1/30/18) [AR 0012489]	403		
PX-574	Summary of Alternatives & Detailed Analysis of Alternatives by John Abowd [AR 0012493]	403		
PX-575	Memo from Abowd to Ross RE: Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census (1/19/18) [AR 0012501]	403		
PX-576	Email between Karen Kelley, Sahra Park-Su, Aaron Willard, Ron Jarmin, Enrique Lamas, Jacque Mason, Mike Platt, Burton Reist, Joanne Crane, Israel Hernandez, Earl Comstock, Wendy Teramoto, subject: SWLR Questions (10/28/17) [AR 0012506]	403		

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Exhibit #	Description	Objections	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-577	Secretary HSGAC Hearing Q A (10/23/17) [AR 0012508]	403		
PX-578	Email between Earl Comstock, Wilbur Ross, Wendy Teramoto, Eric Branstad, subject: FW: Census Testimony for Wed. May 3 House CJS Hearing (5/1/17) [AR 0012526]	403		
PX-579	Prepared Statement of John H. Thompson Director U.S. Census Bureau Before the Appropriations Committee Subcommittee on Commerce, Justice, Science and Related Agencies, House (5/3/17) [AR 0012529]	403		
PX-580	Email between James Uthmeier, John Zadrozny, subject: Re: Hill/DOJ pushing for citizenship question on census forms: report (1/31/18) [COM_DIS00015678]	*		
PX-581	Email between Sahra Park-Su, Kelley Karen, Willard Aaron, Kevin Quinley, subject: Re: Short Fuse: FW: Census / immigration status story (Deadline: Today 2:45 pm) (12/29/17) [COM_DIS00015698]	*		
PX-582	Email between James Uthmeier, John Zadrozny, subject: Re: Hill/DOJ pushing for citizenship question on census forms: report (12/31/17) [COM_DIS00015704]	*		
PX-583	Email between John Zadrozny and [redacted] subject: Re: Hill/DOJ pushing for citizenship question on census forms: report (12/31/17) [COM_DIS00015707]	*		
PX-584	Email between Peter Davidson and James Uthmeier, subject: Re: Short Fuse: FW: Census / immigration status story (Deadline: Today 2:45 pm) (12/31/17) [COM_DIS00015711]	*		
PX-585	Email between Wendy Teramoto and Wilbur Ross, subject: Re: Calls with DOJ (9/19/17) [COM_DIS00016106]	*		
PX-586	Email between Karen Kelley, Israel Hernandez, Sahra Park-Su, subject: re: Census Matter Follow-Up (9/11/17) [COM_DIS00016564]	*		
PX-587	Email between Alexander Brooke, Israel Hernandez, Wendy Teramoto, subject: re: Follow up on our phone call (7/24/17) [COM_DIS00016571]	*		
PX-588	Email between Kris Kobach, Alexander Brooke, Israel Hernandez, subject: re: Follow up on our phone call (7/24/17) [COM_DIS00016575]	*		

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Exhibit #	Description	Objections	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-589	Email between Kris Kobach, Alexander Brooke, Israel Hernandez, subject: re: Follow up on our phone call (7/24/17) [COM_DIS00016577]	*		
PX-590	Email from James Uthmeier and Leonard Shambon, subject: current version (9/15/17) [COM_DIS00017126]	*		
PX-591	Draft Chronological History (8/21/17) [COM_DIS00017127]	*		
PX-592	Email between James Uthmeier and Mark Neuman, subject re: Questions re Census (9/13/17) [COM_DIS00017396]	*		
PX-593	Email between James Uthmeier and Sahra Park-Su, subject: Re: Census Matter Follow-Up (9/11/17) [COM_DIS00017398]	*		
PX-594	Email between James Uthmeier and Peter Davidson, subject: Re: Census Matter Follow-Up (9/9/17) [COM_DIS00017402]	*		
PX-595	Email between Earl Comstock, Peter Davidson, James Uthmeier, Wendy Teramoto, subject: Re: Census Matter Follow-Up (9/7/17) [COM_DIS00017405]	*		
PX-596	Email between Peter Davidson, James Uthmeier, Earl Comstock, Wendy Teramoto, subject: Re: Census Matter Follow-Up (9/7/17) [COM_DIS00017407]	*		
PX-597	Email between Wendy Teramoto , Earl Comstock, Peter Davidson, subject: Re: Census Matter Follow-Up (9/8/17) [COM_DIS00017468]	*		
PX-598	Email to Earl Comstock, subject: Re: Census Matter Follow-Up (9/7/17) [COM_DIS00017499]	*		
PX-599	Email between Wendy Teramoto, Earl Comstock, Peter Davidson, James Uthmeier, subject: Re: Census Matter Follow-Up (9/8/17) [COM_DIS00017554]	*		
PX-600	Email between James Uthmeier and Earl Comstock, subject: Re: Census Matter Follow-Up (9/7/17) [COM_DIS00017585]	*		
PX-601	Email between Macie Leach, Wendy Teramoto and Earl Comstock, subject: FW: SHORT FUSE: Fw: Census / Immigration status story (Deadline: Today 2:45 pm) (12/29/17) [COM_DIS00018193]	*		

**DEFENDANTS' OBJECTIONS TO PLAINTIFFS' SUPPLEMENTAL
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Exhibit #	Description	Objections	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-602	Email between Macie Leach, Wendy Teramoto and Earl Comstock, subject: FW: SHORT FUSE: Fw: Census / Immigration status story (Deadline: Today 2:45 pm) (12/29/17) [COM_DIS00018196]	*		
PX-603	Email between Macie Leach, Wendy Teramoto and Earl Comstock, subject: FW: SHORT FUSE: Fw: Census / Immigration status story (Deadline: Today 2:45 pm) (12/29/17) [COM_DIS00018200]	*		
PX-604	Email between Earl Comstock, James Rockas, Sahra Park-Su, subject: Re: 10-12 WAPO - 7am - Republicans could lose congressional seats if Census 2020 goes wrong (10/12/17) [COM_DIS00018535]	401/602/802/901		
PX-605	Email between Earl Comstock and Wendy Teramoto, subject: Fwd: Calls with DOJ (9/19/17) [COM_DIS00018543]	*		
PX-606	Email between Earl Comstock, Peter Davidson, James Uthmeier, Wendy Teramoto, subject: Re: Census Matter Follow-Up (9/8/17) [COM_DIS00018546]	*		
PX-607	Email between Earl Comstock and James Uthmeier, subject: Re: Census paper (8/11/17) [COM_DIS00018588]	*		
PX-608	Email between Earl Comstock and James Uthmeier, subject: Re: Census paper (8/11/17) [COM_DIS00018592]	*		
PX-609	Email between Macie Leach, Wendy Teramoto and Earl Comstock, subject: FW: SHORT FUSE: Fw: Census / Immigration status story (Deadline: Today 2:45 pm) (12/29/17) [COM_DIS00018772]	*		
PX-610	Email between Wendy Teramoto and Peter Davidson, subject: FW: Census Matter Follow-Up (9/7/17) [COM_DIS00018873]	*		
PX-611	Email between Wendy Teramoto and Kris Kobach, subject: Re: Follow up on our phone call (7/24/17) [COM_DIS00018875]	*		
PX-612	Email between Karen Kelley, Israel Hernandez, subject: Re: Census Matter Follow-Up (9/11/17) [COM_DIS00019464]	*		
PX-613	Email between James Uthmeier and [Sahra Park-Su], subject: Re: Census Matter Follow-Up (9/11/17) [COM_DIS00019468]	*		

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Exhibit #	Description	Objections	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-614	Email between Karen Kelley, Israel Hernandez, Sahara Park-Su, subject: Re: Census Matter Follow-Up (9/11/17) [COM_DIS00019687]	Clawback requested		
PX-615	Email between James Uthmeier and Sahara Park-Su, subject: Re: Census Matter Follow-Up (9/11/17) [COM_DIS00019691]	*		
PX-616	Email between David Langdon, Burton Reist, Melissa Creech, James Dinwiddie, Lisa Blumerman, subject: Re: Requested Information - Legal Review All Residents... (5/24/17) [COM_DIS00019987]	*		
PX-617	Email between Melissa Creech, Burton Reist, David Langdon, subject: Re: immigrant question - pt 2 (5/24/17) [COM_DIS00020024]	*		
PX-618	Email between Reist Burton, David Langdon, Melissa Creech, subject: Fw: immigrant questions - pt 2 (5/24/17) [COM_DIS00020028]	*		
PX-619	Memo from Robert B. Ellert and Robert Brumley, Counting Illegal Aliens (4/15/88) [COM_DIS00020031]	*		
PX-620	Memo from Robert B. Ellert and Robert Brumley, DOJ/OLP Memorandum on Counting Illegal Aliens in the 1990 Census (4/18/88) [COM_DIS00020058]	*		
PX-621	Letter from Carol T. Crawford, Assistant Attorney General, to Senator Bingaman (9/22/89) [COM_DIS00020062]	*		
PX-622	Email from Earl Comstock, Ellen Herbst, David Langdon, subject: RE: Counting of illegal immigrants (5/24/17) [COM_DIS00020864]	*		
PX-623	Email between Arthur Gary and John Gore, Re: Talking Points (12.18.17) [DOJ00039722]	401/602/802/901		
PX-624	Email between John Gore and Arthur Gary, RE: Talking Points (12.18.17) [DOJ00039725]	401/602/802/901		
PX-625	Email between Arthur Gary and John Gore, Re: Talking Points (12.18.17) [DOJ00039728]	401/602/802/901		
PX-626	Email between John Gore and Arthur Gary , RE: Talking Points (12.18.17) [DOJ00039730]	401/602/802/901		
PX-627	Email between Ben Aguinaga and John Gore, re: Updated Census Letters - FYI (6.14.18) [DOJ00039733]	401/602/802/901		
PX-628	Census Citizenship Question Memo [DOJ00039735]	401/602/802/901		

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PX-629	Email between Devin O'Malley, John Gore, copying Ben Aguinaga, Re: Review: Statement in Response to Citizenship Question on Census (1/2/18) [DOJ00039736]	401/602/802/901		
PX-630	Email between Devin O'Malley, John Gore, copying Ben Aguinaga, Re: Review: Statement in Response to Citizenship Question on Census (1/2/18)[DOJ00039740]	401/602/802/901		
PX-631	Email between Devin O'Malley, John Gore, copying Ben Aguinaga, Re: Review: Statement in Response to Citizenship Question on Census (1/2/18)[DOJ00039743]	401/602/802/901		
PX-632	Email between Devin O'Malley, John Gore, copying Ben Aguinaga and Sarah Isgur Flores, Re: Review: Statement in Response to Citizenship Question on Census (1/2/18)[DOJ00039745]	401/602/802/901		
PX-633	Email between Devin O'Malley, John Gore, copying Ben Aguinaga and Sarah Isgur Flores, Re: Review: Statement in Response to Citizenship Question on Census (1/2/18)[DOJ00039747]	401/602/802/901		
PX-634	Email between Devin O'Malley, John Gore, copying Ben Aguinaga, Re: QFR Responses (6/14/18)[DOJ00039748]	401/602/802/901		
PX-635	Email between Devin O'Malley, John Gore, copying Ben Aguinaga, Re: Review: Statement in Response to Citizenship Question on Census (1/2/18)[DOJ00039749]	401/602/802/901		
PX-636	Email between Devin O'Malley, John Gore, copying Ben Aguinaga, Re: Review: Statement in Response to Citizenship Question on Census (1/2/18)[DOJ00039753]	401/602/802/901		
PX-637	Email between Devin O'Malley, John Gore, copying Ben Aguinaga and Sarah Isgur Flores, Re: Review: Statement in Response to Citizenship Question on Census (1/2/18)[DOJ00039756]	401/602/802/901		
PX-638	Email between Devin O'Malley, John Gore, copying Ben Aguinaga and Sarah Isgur Flores, Re: Review: Statement in Response to Citizenship Question on Census (1/2/18)[DOJ00039758]	401/602/802/901		
PX-639	Email between Rebecca Wertz and Chris Herren, RE: Census Hearing Maloney et. Al (rev3) (5/3/18)[DOJ00039759]	401/602/802/901		

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Exhibit #	Description	Objections	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-640	Draft Letter from Stephen Boyd to U.S. Rep. Carolyn Maloney [DOJ00039760]	401/602/802/901		
PX-641	Draft Letter from Stephen Boyd to U.S. Rep. Carolyn Maloney [DOJ00039764]	401/602/802/901		
PX-642	Email between Arthur Gary and John Gore, Re: 2020 census questions (9/11/17)[DOJ00129966]	401/602/802/901		
PX-643	Email between Arthur Gary and Michael Allen, FWD: 2020 census questions (9/11/17)[DOJ00129967]	401/602/802/901		
PX-644	Email between Arthur Gary and Michael Allen, FWD: 2020 census questions (9/12/17)[DOJ00129970]	401/602/802/901		
PX-645	Email between Arthur Gary and John Gore, Re: 2020 census questions (9/11/17)[DOJ00129973]	401/602/802/901		
PX-646	Email between Arthur Gary and John Gore, Re: 2020 census questions (9/11/17)[DOJ00129975]	401/602/802/901		
PX-647	Critical Objective for Census 2020: Reducing & Eliminating Black vs Non-Black Differential Undercount and Why It Matters (7/28/17) [DOJ00129977]	401/602/802/901		
PX-648	Email between Arthur Gary and John Gore, Re: 2020 census questions (9/11/17) [DOJ00129985]	401/602/802/901		
PX-649	Email between Arthur Gary and John Gore, Re: 2020 census questions (9/11/17) [DOJ00129988]	401/602/802/901		
PX-650	Email between A. Gary and J. Gore, Re: 2020 census questions (9/11/17) [DOJ00129990]	401/602/802/901		
PX-651	Draft letter from DOJ to John Thompson, Dir. Bureau of Census [DOJ00129991]	401/602/802/901		
PX-652	Schedule for Sec. Ross, 2018, Updated Redacted	401/602/901		
PX-653	Schedule for Secretary Ross's Conference Room, 2018, Updated Redacted	401/602/901		
PX-654	Schedule for Secretary Ross's Conference Room, 2017, FOIA Redacted	401/602/901		
PX-655	U.S. Census Bureau (June 8, 2018), Proposed Information Collection, 2020 Census. Federal Register Notice. Vol. 83 (111), p. 26649.	401		
PX-656	Memorandum from Center for Survey Measurement to ADRM re: Respondent Confidentiality Concerns, unredacted	602/901		